
Request for Proposal

Mixed-Use Development Opportunity

539 Ridge Road
Lackawanna, NY 14218

Proposals Due: March 15, 2022



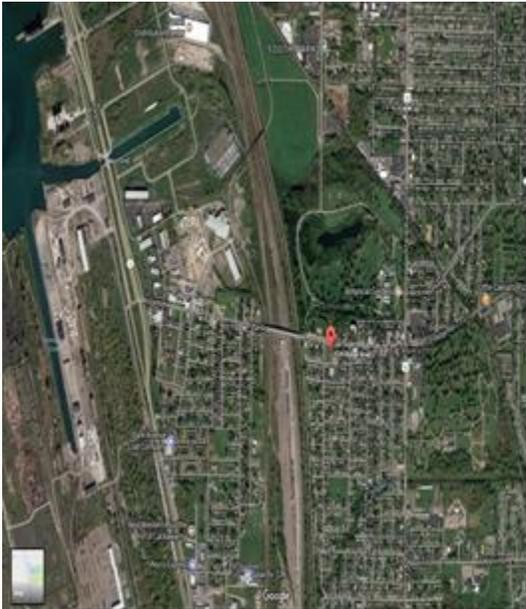
TASTE OF THE REGION
539 RIDGE ROAD
LACKAWANNA, NEW YORK

Executive Summary

This RFP envisions development of a key Project Site within the commercial hub of Lackawanna, New York. The City of Lackawanna is seeking a developer to improve the Site with a mixed-use building that will enhance the urban fabric of the central business district and provide mixed income housing opportunities within the city’s core. The Site is strategically located along Ridge Road between Route 5 and South Park Avenue and is within the City of Lackawanna’s Central Business District.

The Project Site is approximately 1.26 acres with approximately 206 feet of frontage along Ridge Road, and 281 feet of depth along Center Street. The current Central Business District zoning classification allows multifamily residential uses, as well pedestrian-oriented commercial uses, including retail and/or personal service establishments, restaurants, hotels, private clubs, and professional offices.

The Project Location is approximately .7 miles from Renaissance Commerce Park, and about a ten minute drive from Downtown Buffalo, and is short walk the Our Lady of Victory Basilica, Erie County Botanical Gardens, and the Frederick Law Olmstead designed South Park.



The site is the former location of St. Barbara’s R.C. Church. Founded in 1903, the last mass celebrated in the Church was in 2008. The building was demolished in 2011 after the building suffered damage from lightning strikes, and wind, and repairs were deemed too costly. A limited site

investigation was performed in 2021 for the City and is available for review by interested persons. The site has remained vacant since then, and is owned by the City.

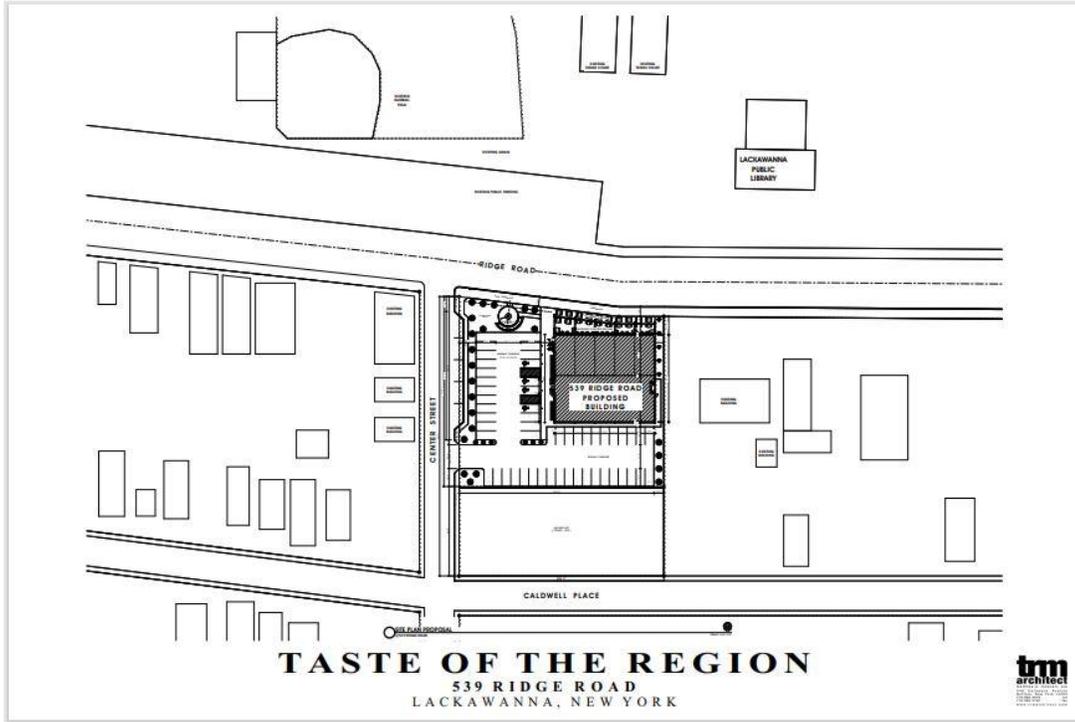


In order to convey its vision for the site, the City has procured the concept Building design set forth below, from TRM Architects, however is open to any concept proposals which best meet the goals of the City in encouraging a mixed use development, open to the street, which will facilitate commercial activity, and residential opportunities to the site.



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In addition to a Concept Plan the City also procured a concept layout depicting one of the ways the proposed concept plan could potentially integrate with the Site, which is set forth below. However, the City remains open to whatever concept plans meets the City’s goals, and produces a viable project.



Submission Requirements

(5) bound originals and one electronic (CD) copy of the proposal must be submitted to the City of Lackawanna on or before March 15, 2022, by 1 pm and must be accompanied by a complete Submission Package, as outlined in this RFP. Proposals submitted after the deadline will not be considered. Proposals will be evaluated as described in Section 6 of this RFP. Proposals shall be submitted to:

City of Lackawanna Department of Development
714 Ridge Road, Room 309
Lackawanna, New York 14218
Attn: Richard Stanton

INTRODUCTION

Background

The City of Lackawanna is issuing this **Request for Proposal** (“RFP”) for the development of a city-owned vacant lot. The Project Site (or “Site”) is located at the southwest corner of Ridge Road and Center Street in downtown Lackawanna.

The Project Site is particularly well-positioned in a visible and strategic location. The Site is located on the main thoroughfare for the City of Lackawanna, across the street from the City Library and Memorial Field. It is just a few minutes’ walk to restaurants and stores, Our Lady of Victory Basilica, Olmsted-designed South Park, and the city’s Central Business District.

The prospective Concept Plan, and Site Plan set forth above were prepared to promote the City’s vision for the Site. The concept includes space for multiple restaurants, or storefronts, at the ground level with a larger destination space (restaurant with banquet space) that would overlook parkland across the street. The conceptual plan was developed for a Project that would hold up to 5 commercial spaces of 800 sq. feet on the first floor, 4,100 square feet of interior banquet hall/meeting room space and an approximate 5,000 square foot patio on the second floor, 4 residential units on the second floor, and prospective tower element on floors 4-6 would each hold up to 9 apartments with square footage per unit ranging from 1000 to 1,200 square feet. As the concept site plan there is additional lot space on the southern portion of the site not incorporated into the concept, but could be part of the project.

Lackawanna, New York, itself is strategically located adjacent to the City of Buffalo, and the site is just a tenminute drive to Buffalo’s urban core, which also serves as the larger metropolitan area’s urban core. Lackawanna itself has rich history, and one that has been traditionally working class. In recent years it has seen an influx of immigrants and a growing population of a number of ethnicities. Over the past two years Lackawanna development projects in the ground, or in the permitting process, are now in excess of \$100,000,000. Lackawanna is seeing strong interest in its Route 5 corridor from various manufacturing interests, which have already introduced over 100 new jobs to the community, and that number is expected to grow substantially with on-going developments. Lackawanna is a culturally-diverse city experiencing its own renaissance.

Site Advantages

A Key Gateway Location. The Project Site is located as you enter into the City of Lackawanna’s Central Business District .7 miles from Renaissance Commerce Park, Route 5 and the Shoreline Trail, and with a ten-minute drive east along Route 5 the Project Site is closer to the Buffalo’s Downtown Business Core than much of the City of Buffalo. Ridge Road

is a multi-modal transportation corridor improved with Bike Routes connecting to the Shoreline Trail, and is serviced by bus routes as well.

Clear Title & Ownership. The Project Site is currently owned by the City of Lackawanna and is looking to sell the parcel to the developer to own and operate the mixed-use development. Former use does not provide any inhibitions to timely development as the land is clean.

Access to Community Facilities. The Project Site is located on a major urban thoroughfare and along an NFTA bus route. It is within short walking distance of a variety of restaurant/entertainment amenities and parks/recreational facilities (i.e., South Park, Buffalo and Erie County Botanical Gardens, Our Lady of Victory Basilica, etc.). Community shopping resources (supermarkets, consumable goods, etc.) are available within a ten minute drive east on Ridge Road, as well as north on South Park Avenue.

Availability of Development Incentives. The City of Lackawanna seeks to develop the Project Site as a mixed-use building that will include apartments of mixed-incomes, making it potentially eligible for income-specific development grants—although the scale of any direct public investments will largely be a function of the scale, proven project need and economic impact of the proposal.

Multi-Modal/Streetscape Improvements. Due to funding received by the City from Empire State Development for smart growth, the City has completed a number of projects to improve access and to create an attractive setting for new development in the downtown area. Streetscape improvements are being completed along Ridge Road from Route 5 to South Park Avenue, and a recently completed pocket park helps connect the Central Business District to the Erie County Botanical Gardens, and South Park, and their many events that attract visitors to the Region.

Deadline for Proposals

5 bound originals and one electronic (CD) copy of the proposal must be submitted to the City of Lackawanna on or before **1 P.M. , March 15, 2022** and must be accompanied by a complete Submission Package, as outlined in this RFP.

Proposals shall be submitted to:

**City of Lackawanna Department of Development
714 Ridge Road, Room 309
Lackawanna, New York 14218
Attn: Richard E. Stanton**

Proposals will be evaluated as described in Section 6 of this RFP.

THE CALL FOR PROPOSALS

Objectives

The RFP envisions development of the Project Site with active ground-level uses and apartment units on the upper floor(s). The Project Site is located strategically between Route 5 and South Park Avenue along Ridge Road and adjacent to the central business district, this important development could foster further development and progress in this area.

The objectives of this RFP are as follows:

- Facilitate new development of the Site which contributes to a lively, urbane setting and a substantial increase in street-level interaction;
- Expand the availability of goods and services, and entertainment available to visitors and residents;
- Permit the private sector to create jobs, increase the tax base, and support investment in Lackawanna;
- Encourage further development in the adjacent areas; and
- Reach a mutually beneficial public/private partnership with the goal of returning the Site to a productive and self-sustaining use.

Zoning and Permitted Uses

Subject to Site Plan Approval, the current zoning allows for multifamily, and many commercial uses. This City seeks to provide for a diverse combination of commercial, residential, and mixed-use building types within the city's core. Development is intended to be pedestrian oriented with a strong emphasis on creating safe, active, and inviting streetscapes.

Quality of Proposals for Development

Given the prominence of the Site in the downtown area, the City is committed to a high quality of development and architectural character, as well as projects that are sensitive to overall urban design issues. The architect, engineers and other design professionals to be retained in connection with proposed development on the Site are subject to the City's reasonable prior approval.

Terms and Conditions

Process Timetable

The following target dates are intended as a guide for the proposal process:

March 15, 2022	Due Date for Proposal Submissions
April 1, 2022	Interviews of Development Teams
April 15, 2022	Committee Recommendation of Preferred Developer Candidate
May 1, 2022	Designation of Preferred Developer, Entry into Designated Developer Agreement

The Development Agreement

The commitment of development right will be created through a Designated Developer Agreement. The proposed schedule in the submission will be used to identify key milestones for the securing of financing and permitting for the Project which will be conditions integrated into the Designated Developer Agreement. The Designated Developer Agreement will transfer development rights to the prospective purchaser for up to 6 months, which may be extended once if substantial progress is shown. During the period of the designated developer status the prospective purchase shall make non-refundable payments of \$500/month which will be credited to the purchase price. Transfer of the property will be governed by a Land Disposition Agreement which will contain covenants that will run with the land to assure Project completion.

Taxes and Incentives

No proposal shall be conditioned upon the receipt of tax abatements or other economic incentives, although financial plans in proposals may identify funding “gaps” related to realization of the proposed development. Or submit a plan for phased development approach?

Condition of the Site

Proposals are invited for the Site on an “as is, where is” basis.

Contingencies

All proposals must be submitted in accordance with the provisions, requirements, terms and conditions of this RFP. Proposals which are contingent or are submitted in any other form will not be considered.

Permits and Approvals

All major Site use and environmental review procedures and approvals for development of the Site will be under the New York State Environmental Quality Review Act ("SEQRA") and be subject to site plan review/approval by the City of Lackawanna Planning Board.

Development must comply with the federal Americans with Disabilities Act (ADA) and implementing regulations and standards.

The selected Preferred Developer is required, at its own expense, to: (1) obtain from all appropriate government authorities all construction and ancillary approvals for the development of the Site including, but not limited to, all site plan approvals, SEQRA documentation, building permits and approvals that would be required if the selected developer were the fee owner of the Site, and (2) comply with all applicable federal, state, and local laws and regulations.

Submission of Proposals

Only proposals that comply with all provisions, requirements, terms and conditions of outlined will be considered for review by the City of Lackawanna.

The City of Lackawanna reserves the right to independently investigate or request clarification of the contents of any proposal, including requiring any proposer to provide additional information or to make an oral presentation. All materials submitted in response to this RFP become the City's property without any obligation to return such materials. All determinations of completeness of any submission and its compliance with the provisions, requirements, terms and conditions of this RFP and the eligibility or qualification of any proposer shall be in the sole and absolute discretion of the City. The City may waive any of the provisions, requirements, terms and conditions of this RFP.

Subsequent to submission of proposals in response to this RFP, the City, in the exercise of its sole and absolute discretion, may enter into parallel negotiations with two or more proposers, may designate two or more proposers for "short list" consideration, may request best and final offers, and/or may conduct other additional competitive proceedings with respect to the potential disposition covered by this RFP.

Expenses

The City of Lackawanna shall not be liable for any costs or expenses (including, without limiting the foregoing costs and expenses of legal counsel) incurred by any proposer in responding to this RFP, in connection with the Site or under any other circumstances, including, without limiting the foregoing, whether or not a particular proposal was accepted, rejected or otherwise designated or selected. All costs and expenses incurred by each proposer in connection with this RFP or the Site will be borne by the proposer, including, without limiting the foregoing, all costs and expenses in connection with: surveys, reports, studies, research and other due diligence work; preparation of each proposal; advice and representation of legal counsel; responding to this RFP and the Development Agreement.

Brokers

Proposals shall be accepted from principals only. No brokerage fees, finder's fees, commissions or other compensation will be payable by the City in connection with the selection of a proposer or the disposition of the Site. Submission of a proposal by a proposer in response to this RFP constitutes an undertaking by the proposer to hold harmless and indemnify and defend the City from and against any and all expenses, damages or liability (including, without limiting the foregoing, attorneys' fees and disbursements) arising out of any claim for such fees, commissions or other compensation made in connection with such proposer's response to this RFP, selection or (non-selection) thereunder or execution (or non-execution) of a Development Agreement and agreement.

Not an Offer

This RFP does not constitute a solicitation or an offer for the Site or any portions thereof, nor a solicitation or offer to the Site or any portions thereof. The City of Lackawanna shall not incur any obligation or liability on account of this RFP or any submission made in connection with this RFP or any other reason unless and until a Development Agreement setting forth all the terms and conditions of the transaction have been fully executed and unconditionally delivered by all the parties thereto and all necessary consents and approvals have been obtained.

No proposal for the Site shall be deemed accepted until closing on the Development Agreement has occurred.

This RFP, at any time, may be reissued, amended, supplemented or withdrawn in the City of Lackawanna's sole and absolute discretion. Representatives of the City are not authorized to give proposers interpretations of this RFP or additional information regarding the RFP process. Interpretations or additional information, if provided, will be set forth in written addenda to this RFP. Any questions or requests for additional information or documents

should be directed to the City of Lackawanna in writing. (You may want to identify specific contact and their email address)

The City of Lackawanna reserves the right, in its sole discretion, not to select or accept one or more proposals submitted for the Site in connection with this RFP, including, without limiting the foregoing, the highest-ranked proposal for the Site. The City has no obligation, under this RFP or otherwise, to dispose of the Site, or any portion of the Site, through a competitive proposal process, including, without limiting the foregoing, to dispose of the Site to the highest proposer or proposers. The City may at any time withdraw the Site, or any portion of the Site, included in this RFP. The City has the right in its sole and absolute discretion to reject any and all proposals, to accept any proposal, and to elect not to proceed with the process set forth in this RFP. The City may, at any time, dispose of the Site, or any portion of the Site, in any appropriate manner.

The City of Lackawanna has no obligation to discuss its reasons for selecting, accepting or rejecting any proposals with any proposer.

ADDITIONAL SITE INFORMATION

General Inquiries

Inquiries regarding the Site, this RFP or the selection process should be in writing and addressed to the City of Lackawanna at the address given on Page 1.

PROPOSAL REQUIREMENTS

Organizational Requirements of the Proposal

Proposals for the Site should contain specifics and information organized as follows:

1.1 Development Plan

The Development Plan must describe the proposed improvements to the Site and the integration of these improvements with the surrounding community. The Development Plan must include the following elements:

1. A full **written description** of the proposed development, including:
 - a. An overview of the anticipated target market(s) that the development is intended to capture.
 - b. Description of the appearance of the proposed development, location of significant components, the relationship to adjoining uses, and relationship/integration with various access networks in Lackawanna (pedestrian, vehicular, and public transportation networks). The proposal must demonstrate responsiveness and sensitivity to enhancement of the urban setting.
 - c. A program of uses in the proposed development, specifying square footages of each development component.
 - d. An explanation of how the proposed development would advance overall economic development objectives (e.g., community enhancement; ability to foster commercial activity; increase of housing in downtown corridor; and local fiscal impact [net new jobs, taxes, etc.]).
2. A series of graphic depictions of the proposed redevelopment, including:

- a. An overall site plan for the proposed development, indicating proposed building footprints, internal site access facilities, and proposed frontage improvements (internal sidewalks, landscaping, etc.), as well as the relationship of these site elements to components in adjoining street rights-of-way and nearby parcels.
 - b. Typical ground level and upper level(s) floor plans.
 - c. Typical building elevations noting materials proposed.
 - d. At least two (2) ground-level perspective renderings or photo-simulations showing the proposed development in context.
3. Projected jobs and average annual salaries that would be generated by the proposed development, both during renovations/construction and permanent (i.e., in the first three [3] years of operation). Include specific supporting data to indicate how the project will contribute to the economic benefit of the community (i.e., net new jobs, tax revenues, spending, and economic activity).
4. A description of the proposed hold Ownership and management structure for the development.

1.1.1 Financial Plan

Each proposer must submit sufficient data to evidence that the proposed development and operation of the Site will be successfully accomplished by the proposer and achieve the objectives of this RFP. The Financial Plan should include the sources, amounts, terms and conditions of financing and the proposer's equity to be employed in the transaction. The Financial Plan must include pro-forma financial projections and a sources statement as defined below.

The proposal's Financial Plan must include detailed pro-forma financial projections, with supporting calculations, include the following information:

1. All capital improvements and investment;
2. PILOT and/or local assessment payments;
3. Debt service payments on any short-term or long-term financing; and
4. Any government funding. Note: no State, ESDC and/or City funding or assistance should be assumed other than funding or assistance that may be generally available from existing programs or sources for which the developer may be entitled or eligible to apply.

However, the financial plan may include identified funding “gaps” related to realization of the proposed development, for example:

$$\text{Project Cost} - \text{Financing} - \text{Developer Equity} = \text{Gap (if any)}$$

The proposal’s Financial Plan must also include a statement of sources and uses setting forth:

1. Sources and amounts of financing and proposers’ equity to be invested in the development and operation of the Site; and
2. Evidence of financing consistent with sources and uses, including but not limited to: expressions of interest from lenders, letters of credit, and performance bonding capacity.

1.1.2 Project Team

As part of the submission, the following information should be included:

1. A summary of the Project Team, with a complete organizational chart of key team members.
2. If applicable, firm descriptions of team members (particularly proposed architectural and engineering design professionals), including:
 - a. Names, addresses and telephone numbers of those individuals who may be contacted during the period of proposal evaluation.
 - b. Resumes of key professionals.
 - c. Description and list of past projects, including cost of development, with drawings and photos.

Submission Package

A proposal submission (“Submission Package”) must include:

1. A detailed Development plan;
2. A detailed Financial Plan; and
3. A summary of Proposer Team information;
4. A Project Schedule.

Failure to include each of these items in the Submission Package will invalidate the proposal.

PROPOSAL REVIEW PROCESS

General

The City of Lackawanna may, at any time, exclude proposals that, in their sole and absolute discretion, fail to demonstrate compliance with the requirements of this RFP. The City is under no obligation to select the highest-ranked proposals.

Review of Submissions

The City of Lackawanna will review all proposals for completeness and compliance with the terms and conditions of this RFP and may request from any or all of the proposers additional material, clarification, confirmation or modification of any submitted proposal, including proposals that are incomplete or non-conforming as submitted. Except at the request or by the consent of The City of Lackawanna, proposers will not be entitled to change their proposals once submitted.

A committee (“Selection Committee”) shall review all proposals.

Preferred Developers shall be designated in the sole and absolute discretion of The City of Lackawanna based upon the Selection Criteria (as defined below).

Evaluation Criteria

In reviewing and evaluating proposals the Selection Committee will consider such criteria (all criteria considered being referred to collectively as the “Selection Criteria”) that, in The City of Lackawanna’s sole and absolute discretion, are in the best interests of the City. The criteria listed below are of significant concern:

- a. The final Project must be consistent with other City plans/policies.
- b. The final Project must yield the most private taxable investment with the least amount of public subsidy.

- c. The final Project must be aligned and complement planned streetscaping improvements on Ridge Road.
- d. The quality of the development plan, proposed timetables and its integration within the context of local community development objectives and existing/planned development projects.
- e. The overall financial plan and impact of the proposal, including:
 - capital investment;
 - rental projections (if applicable);
 - anticipated property tax and/or PILOT payments;
 - job creation.
- f. The proposed purchase price for the land. (The City as a municipal corporation may not gift property. The City has set a minimum purchase price of \$90,000 for the parcel.)

Developer Interviews

Following ranking of proposals, a number of developer teams (to be determined by the Selection Committee) may be asked to present their proposals to the Selection Committee.

After the interview process, the developers will receive a final ranking. The City of Lackawanna will negotiate exclusively with the first ranked developer (i.e., the “Preferred Developer”. If during the negotiation, the Selection Committee concludes that it is unlikely an agreement will be finalized with the Preferred Developer, the Selection Committee will be at liberty to enter into negotiations with the second-ranked respondent and so forth until it enters into an acceptable agreement to undertake the Project or stop the process.

GENERAL CONDITIONS

The City of Lackawanna does not make any representations or warranties whatsoever with respect to this RFP, without limiting the foregoing, representations or warranties as to: the accuracy or completeness of any information or assumptions contained in or provided in connection with this RFP or otherwise furnished to respondents; the use or development, or potential use or development, of the Project or any portion thereof; the physical condition, environmental condition, layout, configuration, size, boundaries, access, location, systems and utilities for all land and improvements constituting the Project and for the adjacent properties; the absence or presence of hazardous substances or toxic materials in, under or upon the Project and the adjacent properties; compliance with environmental laws; tax assessments that may be made by the City, tax rates that may be established by the City and/or the amount of PILOT payable; and the suitability of the Project for any specific uses or development.

Each respondent shall make its own analysis and evaluation of the Project site, including, without limiting the foregoing: the physical condition, environmental condition, layout, configuration, size, boundaries, access, location, systems and utilities for all land and improvements constituting the Project and for all adjacent lands; the absence or presence of hazardous substances or toxic materials in, under, or upon the Project site and adjacent lands; compliance with environmental laws; and the suitability of the Project site for any use or development. Each respondent shall obtain its own independent legal, accounting, engineering and technical advice on all matters relating to the Project, including, without limiting the foregoing: examination, review and verification of any information provided by or on behalf of the City; land and improvements constituting the Project site and adjacent to the Project site; all local laws, regulations and conditions that may affect the use and development of the Project; and all other matters that may be material.

Respondents shall not rely upon any statement or information given to respondents by the City including, without limiting the foregoing, any information contained in this RFP or made available pursuant to this RFP, or otherwise

In the event that the selected respondent does not execute a Development Agreement for the Project, the City may, in its sole discretion, invite any of the other respondents to participate in a further competitive process to determine a new selected respondent.